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Via Hand Delivery

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

October 1, 2002

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th St. S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
CC Docket No. 01-321


Dear Ms. Dortch:

On September 30, 2002, Curt Koeppen, Senior Technical Director – Broadband Access, America Online Inc., Donna Lampert and the undersigned of this office, on behalf of AOL Time Warner Inc. ("AOL"), met with John Stanley, Uzoma Onyeije, Ben Childers and Renee Crittendon of the Wireline Competition Bureau regarding the above-referenced proceeding.

AOL discussed its September 12, 2002 *ex parte* letter suggesting modifications to the Performance Metrics and Installation Intervals for Interstate Special Access Services proposed by the Joint Competitive Industry Group ("JCIG"). As explained in the letter, the limited modifications clarify that DSL services, as special access, are encompassed within the JCIG proposal and that the performance measures and reporting requirements are appropriately tailored to the provisioning and maintenance of DSL services.

AOL discussed the clear legal basis, based on Commission precedent, for including DSL in the special access performance measures and noted that the modifications were consistent with current industry practice and would not impose unnecessary administrative burdens. We described the specific DSL services to be included in the JCIG proposal and explained in detail the DSL provisioning and maintenance processes used to obtain DSL services for our customers. AOL then explained how the performance measures would be beneficial in the operation of those processes. AOL expressed particular concern regarding maintenance and repair problems that negatively impact its ability to serve our customers. We stressed the importance of DSL performance measures and reporting to provide much-needed certainty, predictability, and reliability to consumers that service will be provided and/or repaired when promised. AOL also noted the importance of consistent industry-wide performance standards and reporting as a means to improve carrier efficiency.

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October 1, 2002

Page 2

Pursuant to Section 1.1206(b)(1) of the Commission's rules, an original and one copy of this letter are being provided for inclusion in the public record of this proceeding.

Sincerely,



Linda L. Kent
Counsel for AOL Time Warner Inc.

CC: John Stanley
Ben Childers
Renee Crittendon
Uzoma Onyeije